

Application No.: 10/695,167

Atty Docket: MXIC 1518-2

**REMARKS**

Claims 1-4 are pending in this application. The Examiner has rejected claim 3 under 35 U.S.C. §112, second paragraph; and has rejected claims 1-4 under 35 U.S.C. §102(e).

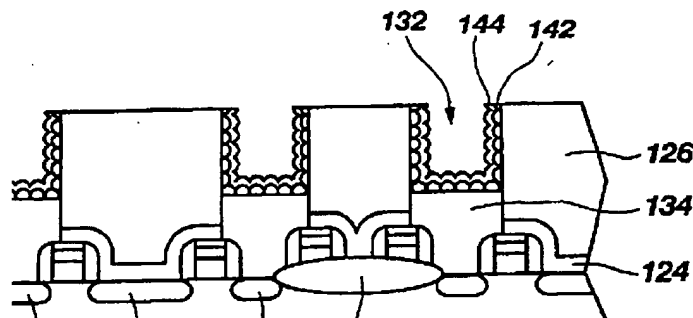
**Claim Rejections Under 35 USC § 112, Second Paragraph**

Claim 3 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite. The Examiner indicates that there is insufficient antecedent basis for "the insulating layer" limitation in line 10 of the claim. By amendment, the text repeating claim 1 has been deleted. The antecedent basis for "the insulating layer" in claim 3 is "an insulating layer over the first plate layer;" in claim 1.

**Claim Rejections Under 35 USC § 102(e)**

Claims 1-4 have been rejected under 35 U.S.C. §102(e) as being anticipated by Al-Shareef et al. (U.S. Patent No. 6,281,543).

Applicants direct the Examiner's attention to FIG. 11 and column 6, lines 9-11,



10 The double metal layer 144 is etched or abraded, such that the polysilicon material 134 within each via 132 are electrically isolated from one another, as shown in FIG. 11. The

which make it clear the Al-Shareef's capacitor does not comprise "at least two adjacent trenches in the base conductive layer". Therefore, the reference cannot be shown to meet the limitations of the independent claim.

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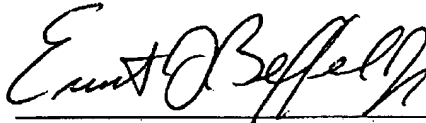
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**CONCLUSION**

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims as now stated.

Applicants would welcome an interview, if the Examiner is so inclined. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 a.m. to 5:30 p.m. PST, Monday through Friday, and can be reached at his cell phone at (415) 902-6112 most other times.

Respectfully submitted,



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